

Application No. 09/757,721
Art Unit No. 1773
Attorney Docket 00/001 MFB

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1. (Amended) A transparent polyester film comprising:

at least one flame retardant which is soluble in polyester, where said at least one flame retardant, as a dispersed component of a masterbatch, is fed directly by an extruder during production of the film, wherein said masterbatch had previously been dried by gradual heating at subatmospheric pressure, with stirring;

a polyester; and

wherein said transparent polyester film does not embrittle when exposed to temperatures of 100°C for 100 hours.

2. (Amended) The polyester film as claimed in claim 1, wherein the masterbatch further comprises a hydrolysis stabilizer.

3. (Amended) The polyester film as claimed in claim 1, wherein the masterbatch is further dried, with stirring, at a constant elevated temperature, followed by further drying at constant elevated temperatures and subatmospheric pressures.

REMARKS

Claims 1, 2, 4, 6, 8 - 11 and 14 - 17 were rejected in the prior application under 35 USC 103(a) as being unpatentable over Rakos et al. in view of Oishi et al. Examiner states that the product-by- process limitations do not appear to be limiting, and that the patentability of a product does not depend on its method of production.